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ABSTRACT

Contributions to this statement on the academic freedom of students were made in 1967 by representatives of the American Association of University Professors, the Association of American Colleges, the National Student Association, the National Association of Student Personnel Administrators, and the National Association of Women Deans and Counselors. The statement proposes that US colleges and universities adopt an open admissions policy so that students from racial minority groups may also have equal access to higher education, and that students be allowed to: express their views in the classroom and in student publications; organize and join associations to promote their common interests; participate in the formulation and application of institutional policy; and exercise their rights as citizens both on and off campus. The separation of students' academic and disciplinary records by their institutions and the confidentiality of these records are also dealt with. A lengthy section that deals with institutional procedures for the administration of student discipline is followed by a 3-point resolution on the implementation of the statement. Two previous drafts of this joint statement are appended, together with another statement by the American Council on Education on the confidentiality of student records. (WM)

ED034498

JOINT STATEMENT

ON THE

ACADEMIC FREEDOM OF STUDENTS

A SUMMARY AND AN ANALYSIS

by

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July, 1967

HE001 249

U.S. DEPARTMENT OF HEALTH, EDUCATION & WELFARE
OFFICE OF EDUCATION

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HISTORICAL BACKGROUND

Interest in developing a joint statement on the academic freedom of students was spurred largely by the American Association of University Professors in the wake of their own revised statement in the area. Preliminary discussions were held in Spring, 1966, between representatives from AAUP, the Association of American Colleges, the National Student Association, and the National Association of Student Personnel Administrators to determine the feasibility of such a joint venture. On the basis of this meeting, a planning session was proposed for May 13, 1966, in the Washington office of the AAUP.

Participants in the May 13th meeting included representatives from the AAUP, the AAC, NSA, the National Association of Women Deans and Counselors, and the National Association of Student Personnel Administrators. While informal written minutes of the meeting are not available, an internal memo from NSA Academic Freedom Director, Stephen Sunderland, to NSA staff suggests that conflict was apparent from the beginning:

> The bulk of the controversial discussion took place in the morning session so Jim should have some meaningful additions to what I am to report. Using the AAUP statement on student freedoms as the focal point for discussion, members of the five groups (NSA, NASPA, NAWDC, AAC, AAUP) proceeded to criticize the statement in light of needed changes. I chose to emphasize the issue of substantive due process, especially as it concerns student involvement in policy formation. That is, I thought the AAUP statement too skimpy on rule construction and rule enforcement, as well. Jim (Jim Johnson, NSA National Affairs Vice-President) took a different tack: he called his criticism "a need for a basic philosophy of education." The response to these suggestions for inclusion in the AAUP statement was nothing short of unbelievable: The President of SMU said that the preamble of the statement had to describe the "burial of in loco parentis doctrine."

Only the AAC had basic revisions to be made in the statement: revisions that most of the participants thought to be too ambiguous and, as a result, too dangerous.

Other organizations disagreed with Sunderland's early assessment of AAC isolation. In any case, none of the organizations was interested in proceeding quickly in developing the statement, however. The May 13th session was only exploratory; it was anticipated that a summer of private sessions would be necessary to iron out disagreements. Doubtless, a few such sessions did take place, although there is no written record of their occurence.

In part, however, the informal sessions proved irrelevant, because of a changeover of NSA officers. Ordinarily, such a changeover would not have yielded serious discontinuities. In this case, we had emerged from a liberal-radical coalition in protest over many of the attitudes of past NSA. Among our criticisms was strenuous objection to an over-reliance on negotiating with the "Establishment," at the top without first developing constituency movements from the bottom. To us, negotiations over the proposed statement fit this category. While not adverse to a coalition document per se, we were against acceptance of any statement which contradicted NSA positions which had spirited many of the recent protest movements. In short, many sections of both the AAC and the AAUP draft were to be contested.

A drafting commission meeting was planned for Sunday, November 13, including representatives from the AAUP, ACE, AAC, NSA, NAWDC, NASPA, the American Council

on Higher Education, and the Association of American Universities. USNSA had protested the inclusion of extra administrative organizations on the commission, even to the point of requesting additional student representatives, but our protests had not met with favorable response. As was clear in the Spring, however, the three pivotal organizations would be NSA, the AAUP, and the AAC--all with written commentary on the issues involved. As the initiator of the discussions, the AAUP had the greatest interest in the production of a statement--indeed, Dr. Philip Monypenny of the University of Illinois was to chair the meeting as chairman of the AAUP Committee "S." As the most vocal of the participating president's organizations, the AAC was to represent the Conservative pole; as the only participating student organization, the National Student Association was to represent the liberal pole.

Attempts to iron out major differences prior to the meeting were initiated by Dr. Peter Armacost, Program Director of the Association of American Colleges and the author as newly-elected National Affairs Vice-President of NSA. Pressures of time, however, prevented adequate discussion. In a memo dated 10 October, 1967, I outlined my understanding of the differences to the NSA staff:

> Armacost wants questions considered in light of "Good administrative procedures necessary for student freedom to learn." His own approach extends accepted definitions of freedom to learn. Conflict should come on this, but "freedom to learn" will be the concept around which battles are waged.

More indicative of the difficulties, however, were comments which appeared elsewhere in the memo:

> Burden of proof lies on the statement and credibility of enforcement. If statement is a) short of goals; b) unenforceable in a meaningful sense; c) cumbersome as to time of enforcement, we should disassociate ourselves from it.

Thus, even prior to the meeting, one could anticipate serious difficulties in conducting it.

The meeting itself fulfilled these expectations. What the administrative and professorial organizations hoped would be a wrap-up session, ironing out minor differences, became a series of stormy debates around the fundamental challenges of the NSA delegation. The AAUP delegation was annoyed sufficiently at the end of the first day to consider leaving the meeting altogether. The same sense of frustration was shared by the others, including the NSA delegation, which had become even more pessimistic about possible cooperation. In the second and final day of the meeting, Dr. Monypenny facilitated matters by reading sections of the AAUP-AAC documents ad seriatum and requesting specific suggestions and announced intention to prepare written commentary for future discussion.

Such discussion proved more future than was anticipated, reflecting schedule difficulties and, in part, NSA entanglement in the CIA affair. In the spring, however, a tentative meeting of the organizations was scheduled for May 29th, subsequently rescheduled for June 23rd.

As is often the case, however, the important work was accomplished prior to the June 23rd session. At the initiation of Robert Van Waes of the AAUP, Dr. Peter Armacost and Van Waes and I met in several informal sessions to iron out

differences. Initially, I presented a lengthy commentary on the draft paralleling the suggested documents of the AAUP and the AAC. Subsequently, the three representatives worked in two full-day sessions to integrate the documents. By the 23rd, only two issues remained to be solved, and these found solution midway through the proceedings. While the representatives from the National Association of Student Personnel Administrators and the National Association of Women's Deans and Counselors made important contributions to the final document, a resolution of differences between the three polar organizations rendered serious disagreement on several questions unnecessary.

THE STATEMENT

Preamble

Academic institutions exist for the transmission of knowledge, the pursuit of truth, the development of students, and the general well-being of society. Free inquiry and free expression are indispensable to the attainment of these goals. As members of the academic community, students should be encouraged to develop the capacity for critical judgment and to engage in a sustained and independent search for truth. Institutional procedures for achieving these purposes may vary from campus to campus, but the minimal standards of academic freedom of students outlined below are essential to any community of scholars.

Freedom to teach and freedom to learn are inseparable facets of academic freedom. The freedom to learn depends upon appropriate opportunities and conditions in the classroom, on the campus, and in the larger community. Students should exercise their freedom with responsibility.

The responsibility to secure and to respect general conditions conducive to the freedom to learn is shared by all members of the academic community. Each college and university has a duty to develop policies and procedures which provide and safeguard this freedom. Such policies and procedures should be developed at each institution within the framework of general standards and with the broadest possible participation of the members of the academic community. The purpose of this statement is to enumerate the essential provisions for student freedom to learn.

Three points should be understood in the preamble:

First, that provisions for student rights and freedoms should be considered in the context of institutional policy best suited to the student freedom to learn.

Second, that institutional diversity is no justification for provisions affecting free inquiry and free expression.

Third, that this is a minimal document. There may be many policies necessary to maximize the student freedom to learn. The policies outlined herein are the bare minimum for an institution.

I. Freedom of Access to Higher Education

The admissions policies of each college and university are a matter of institutional choice provided that each college and university makes clear the characteristics and expectations of students which it considers relevant to success in the institution's program. While church-related institutions may give admission preference to students of their own persuasion, such a preference should be clearly and publicly stated. Under no circumstances should a student be barred from admission to a particular institution on the basis of race. Thus, within the limits of its facilities, each college and university should be open to all students who are qualified according to its admission standards. The facilities and services of a college should be open to all of its enrolled students, and institutions should use their influence to secure equal access for all students to public facilities in the local community.

The intent of the section is clear--segregation on the campus, in admission to the campus, should end; the university has a responsibility to use its influence to end segregation in the surrounding community. The section should in no way be interpreted to preclude an institution's giving preferential treatment to racial minorities in efforts to end segregation.

II. In the Classroom

The professor in the classroom and in conference should encourage free discussion, inquiry, and expression. Student performance should be evaluated solely on an academic basis, not on opinions or conduct in matters unrelated to academic standards.

A reversal of the clauses in A and B between the October, March, and final drafts dilutes a tone deemed paternalistic by the NSA delegation. The intent of the clause is clear--students should not be punished for their views in a classroom; students should have procedures to protect themselves from arbitrary grades.

The interpretation of these cluases should open a few controversies.

C. Protection Against Improper Disclosure

The NSA delegation had sought to secure that information about student performance be given only at the express consent of the student. Unfortunately, the incidence of informal conversations between department chairmen and graduate school professors concerning a prospective student would have rendered this formulation unenforceable.

The interdiction against professors' providing extensive information about students, or any information at all in most cases, is clear.

III. Student Records

The clause reflects considerable wrangling on all sides, with some difficulty in reaching consensus.

The final formulation, however, is fairly good:

1) No records of student political activity should be kept.

How many institutions are guilty of violating this clause? If institutions heed this admonition, however, they have a clear response to the FBI, or the House Committee on Un-American Activities.

2) While disciplinary records must be kept to protect the institution in cases in which the student brings legal suit against, such records should be destroyed periodically.

3) Information about disciplinary and counseling records should be made available only in cases where safety is involved (like, the kid's going to murder his roommate), or where a court needs them.

4) Academic and disciplinary records should be kept separately.

How many of your institutions follow this policy? Have you ever asked them?

The NSA delegation, by the way, was insistent on a strong statement in this area, and was responsible for many of its stronger provisions.

IV. Student Affairs

In student affairs, certain standards must be maintained if the freedom of students is to be preserved.

A. Freedom of Association. Students bring to the campus a variety of interests previously acquired and develop many new interests as members of the academic community. They should be free to organize and join associations to promote their common interests.

1. The membership, policies, and actions of a student organization usually will be determined by vote of only those persons who hold bona fide membership in the college or university community.

2. Affiliation with an extramural organization should not of itself disqualify a student organization from institutional recognition.

3. If campus advisors are required, each organization should be free to choose its own advisor, and institutional recognition should not be withheld or withdrawn solely because of the inability of a student organization to secure an advisor. Campus advisors may advise organizations in the exercise of responsibility, but they should not have the authority to control the policy of such organizations.

4. Student organizations may be required to submit a statement of purpose, criteria for membership, rules of procedures, and a current list of officers. They should not be required to submit a membership list as a condition of institutional recognition.

The central question avoided in this formulation is that of authority for insitutional recognition--it is the opinion of this author that authority of the recognition of student organizations should reside with the student government, if any institutional recognition is to be required at all. In a suggested revision to both the AAC and the AAUP drafts, I stated as much: "Students should

retain final authority over membership and policy of campus organizations." This addition was not accepted. Nonetheless, while there is an implication that the institution, i.e. the administration, exercises the authority, the lack of specific notation to this effect leaves the question open.

NSA acceptance of a "statement of purpose, criteria for membership, rules of procedure, and a current list of officers" was reluctant, but not impossible. That membership lists are deemed inappropriate criteria in the document marks a step forward.

The willingness to allow a student organization to survive without a faculty advisor should not have the power to restrict, censor, or inhibit the activities of student groups. Like the advisor to many student governments.

The phrase "membership, policies, and actions of a student organization usually will be determined by vote of only those persons who hold bona fide membership in the college or university community" met with some controversy. The word "usually" was inserted to accomodate free universities, publications, and directing boards of tutorial projects on which representatives of the community sit.

B. Freedom of Inquiry and Expression.

1. Students and student organizations should be free to examine and to discuss all questions of interest to them, and to express opinions publicly and privately. They should always be free to support causes by orderly means

which do not disrupt the regular and essential operation of the institution. At the same time, it should be made clear to the academic and the larger community that in their public expressions or demonstrations, students or student organizations speak only for themselves.

2. Students should be allowed to invite and to hear any person of their own choosing. Those routine procedures required by an institution before a guest speaker is invited to appear on campus should be designed only to insure that there is orderly scheduling of facilities and adequate preparation for the event, and that the occasion is conducted in a manner appropriate to an academic community. The institutional control of campus facilities should not be used as a device of censorship. It should be made clear to the academic and larger community that sponsorship of guest speakers does not necessarily imply approval or endorsement of the views expressed, either by the sponsoring group or the institution.

The controversial clause in this section was "They should always be free to support causes by orderly means which do not disrupt the regular and essential operation of the institution." The key work is "always." There may be cases in which a student strike or "sit-in" will be the only recourse for students seeking institutional change. The statement does not necessarily rule these out. The force of the line, however, lies in what the statement feels that students should <u>always</u> be free to do--even this freedom is not granted in many institutions. What students may have to do is not covered, positively or negatively.

The phrase "in a manner appropriate to the academic community" is meant to preclude egg-throwing, rock-hurling, or tumult designed to drown out what a speaker is saying. The author finds himself in sympathy with those who believe that a speaker should be heard--picketed, perhaps; hissed after his address; challenged in question and answer sessions; laughed at when he makes a

stupid comment; subjected to a stony silence; even boycotted; but when facing an audience, heard. There is an infinite number of ways to make a speaker feel ludicrous, all "appropriate to an academic community." Drowning him out, or storming the stage are among the least clever, and least effective.

C. Student Participation in Institutional Government

As constituents of the academic community, students should be free, individually and collectively, to express their views on issues of institutional policy and on matters of general interest to the student body. Ths student body should have clearly defined means to participate in the formulation and application of institutional policy affecting academic and student affairs. The role of the student government and both its general and specific responsibilities should be made explicit, and the actions of the student government within the areas of its jurisdiction should be reviewed only through orderly and prescribed procedures.

As is apparent, the committee was perfunctory in dealing with the student role in institutional policy-formation--more significant comment on the subject is made in the section on disciplinary proceedings. The assertion that students should be involved in both "academic" and "student" affairs is significant. They are not involved in "academic" affairs on many campuses even now.

D. Student Publications

Student Publications and the student press are a valuable aid in establishing and maintaining an atmosphere of free and responsible discussion and of intellectual exploration on the campus. They are a means of bringing student concern to the attention of the faculty and the institutional authorities and of formulating student opinion on various issues on the campus and in the world at large.

Whenever possible, the student newspaper should be an independent corporation financially and legally separate from the university. Where financial and legal autonomy is not possible, the instituion, as the publisher of student publications, may have to bear the legal responsibility for the contents of the publications. In the delegation of editorial responsibility to students, the institution must provide sufficient editorial freedom and financial autonomy for the student publications to maintain their integrity of purpose as vehicles for free inquiry and free expression in an academic community.

If it were not for the clauses which follow, this passage might have been considered more controversial by the NSA delegation. Although the encouragement of the independence of the student press is laudatory--the phrasing is, in fact, that of the NSA-USSPA statement--the verbiage about the university's possible legal liability appears to be an escape clause. The provisions on the freedom of the student press, however, make clear that no escape clause is intended.

Institutional authorities, in consultation with students and faculty, have a responsibility to provide written clarification of the role of the student publications, the standards to be used in their evaluation, and the limitations on external control of their operation. At the same time, the editorial freedom of student editors and managers entails corollary responsibilities to be governed by the canons of responsible journalism, such as the avoidance of libel, indecency, undocumented allegations, attacks on personal integrity, and the techniques of harassment and innuendo. As safeguards for the editorial freedom of student publications, the following provisions are necessary:

1. The student press should be free of censorship and advance approval of copy, and its editors and managers should be free to develop their own editorial policies and news coverage.

2. Editors and managers of student publications should be protected from arbitrary suspension and removal because of student, faculty, administrative, or public disapproval of editorial policy or content. Only for proper and stated causes should editors and managers be subject to removal, and then by orderly and prescribed procedures. The agency responsible for the appointment of editors and managers should be the agency responsible for their removal.

3. All university published and financed student publications should explicitly state on the editorial page that the opinions there expressed are not necessarily those of the college, university , or student body.

The rhetoric accompanying the specifics, perhaps, unnecessary, but in context, not harmful. The three specifics provide the meat of the section, which stands as one of the meatier in the document. Virtually every point of substance in the NSA-USSPA statement was accepted by the drafting committee in an area which still excites controversy on hundreds of campuses across the country. Student government leaders should read this passage carefully. Student leaders are no better, sometimes worse, than administrators in dealing with the campus press. Their censorship is no more justified than anyone else's.

V. Off-Campus Freedom of Students

A. Exercise of Rights of Citizenship

College and university students are both citizens and members of the academic community. As citizens, students should enjoy the same freedom of speech, peaceful assembly, and the right of petition that other citizens enjoy and, as members of the academic community, they are subject to the obligations which accrue to them by virtue of this membership. Faculty members and administrative officials should insure that institutional powers are not employed to inhibit such intellectual and personal development of students as is often promoted by their exercise of the rights of citizenship both on and off campus.

B. Institutional Authority and Civil Penalties.

Activities of students may upon occasion result in violation of law. In such cases, institutional officials should be prepared to apprise students of sources of legal counsel and may offer other assistance. Students who violate the law may incur penalties prescribed by civil authorities, but institutional authority should never be used merely to duplicate the function of general laws. Only where the institution's interests as an academic community are distinct and clearly involved, should the special authority of the institution be asserted. The student who indicentally violates institutional regulations in the course of his off-campus activity, such as those relating to class attendance, should be subject to no greater penalty than would normally be imposed. Institutional action should be independent of community pressure.

The points of the first paragraph should be clear--what a student does off-campus is his own concern. The section concerning student "membership" in an academic commu[illegible] might be interpreted in later sessions of the committee to limit this freedom, but the NSA delegation should resist such interpretations.

The second paragraph is equally clear. The university should be prepared to provide information about legal rights to students in trouble, even though it has no special obligation to do so.

VI. Procedural Standards in Disciplinary Proceedings.

In developing responsible student conduct, disciplinary proceedings play a role substantially secondary to example, counseling, guidance, and admonition. At the same time, educational institutions have a duty and the corollary disciplinary powers to protect their educational purpose through the setting of standards of scholarship and conduct for the students who attend them and through the regulation of the use of institutional facilities. In the exceptional circumstance, when the preferred means fail to solve problems of student conduct, proper procedural safeguards should be observed to protect the student from unfair imposition of serious penalties.

While much of this paragraph is objectionable--the "educational mission" of institutions has been used to justify too many idiotic rules to mention here--at least the passage admits that discipline is less important than discussion. Many deans do not.

The administration of discipline should guarantee procedural fairness to an accused student. Practices in disciplinary cases may vary in formality with the gravity of the offense and the sanctions which may be applied. They should also take into account the presence or absence of an Honor Code and the degree to which the institutional officials have direct acquaintance with student life, in general, and with the involved student and the circumstances of the case in particular. The jurisdictions of faculty or student judicial bodies, the disciplinary responsibilities of institutional officials and the regular disciplinary procedures, including the student's right to appeal a decision, should be clearly formulated and communicated in advance. Minor penalties may be assessed informally under prescribed procedures.

The insertion of variables for consideration in the administration of campus justice acknowledges the existence of "institutional diversity" in applying the standards embodied in the statement. The basic prerequisities of fair play, however, are clear: statement of charges; opportunity for refutation; orderly deliberation; opportunity for appeal.

The remainder of the document deals with specific areas covered by procedural fair play.

A. Standards of Conduct Expected of Students

The institution has an obligation to clarify those standards of behaviour which it considers essential to its educational mission and its community life. These general behavioral expectations and the resultant specific regulations should be as free as possible from imposed limitations that have no direct relevance to his education. Offenses should be as clearly defined as possible and interpreted in a manner consistent with the aforementioned principles of relevancy to and reasonableness. Disciplinary proceedings should be instituted only for violations of standards of conduct formulated with significant student participation and published in advance through such means as a student handbook or a generally available body of institutional regulations.

The most significant statement in the paragraph is that which reads "Disciplinary proceedings should be instituted only for violation of standards of conduct formulated in advance, with significant student participation and published in advance through such means as a student handbook or a generally available body of institutional regulations." That student participation is acknowledged as a criterion for the legitimacy of a rule is a major achievement pushed hard by the NSA delegation.

Nonetheless, both this passage and its predecessor are extremely general--

they must be interpreted through application to specific cases. Yet the admonition that "the student should be as free as possible from imposed limitations that have no direct relevance to his education" presents fruitful grounds for debate. There are many, including the author, who contend that the hodge-podge of "social rules" inflicted upon students not only have no direct relevance to undergraduate education, but also have indirect relevance to campus stress which inhibits the student's freedom to learn. This is a line of argument which I would urge upon students trying to change their rules, and upon future representatives to any commissions created to interpret this document. Whether other members and organizations participating in the draft will see it that way, is, of course, moot.

B. Investigation of Student Conduct

1. Except under extreme emergency circumstances, premises occupied by students and the personal possessions of students should not be searched unless appropriate authorization has been obtained. For premises such as residence halls controlled by the institution, an appropriate and responsible authority should be designated to whom application should be made before a search is conducted. The application should specify the reasons for the search and the objects or information sought. The student should be present, if possible, during the search. For premises not controlled by the institution, ordinary requirements for lawful search should be followed.

Lest there be any confusion, the intent of this passage is to provide the student insurance against search of his dormitory room without his knowledge or consent. "Extreme" is affixed to emergency to lend weight to exceptionality of cases in which proper authorization has not been obtained.

The traditional "booze hunts" amplified by more recent "pot busts" should provide the cases which test this section. It, too, is vague and must be clarified in interpretation. I hope that future draft commissions share my concern

that few cases, if any, justify what Lyndon Johnson calls "buggin' and snoopin'." NSA has had some experience in these matters--from both ends.

2. Students detected or arrested in the course of serious violations of institutional regulations or infractions of ordinary law should be informed fo their rights. No form of harassment should be used by institutional representatives to coerce admissions of guilt or information about conduct of other suspected persons.

Like, deans shouldn't beat the kids up.

C. Status of Student Pending Final Action.

Pending action on the charges, the status of a student should not be altered, or his right to be present on the campus and to attend classes suspended, except for reasons relating to the safety and well-being of students, faculty, or university property.

Students who are suspended prior to hearings on their cases, or who are suspended without adequate due process have just cause to invoke this statement in their defense. Unless they plan to kill someone.

D. Hearing Committee Procedures.

When the misconduct may result in serious penalties and if the student questions the fairness of disciplinary action taken against him, he should be granted, on request, the privilege of a hearing before a regularly constituted hearing committee. The following suggested hearing committee procedures satisfy the requirements of "procedural due process" in situations requiring a high degree of formality:

1. The hearing committee should include faculty members or students or, if regularly included or requested by the accused, both faculty and student members. No member of the hearing committee who is otherwise interested in the particular case should sit in judgment during the proceeding.

2. The student should be informed, in writing, of the reasons for the proposed disciplinary action with sufficient time to insure opportunity to prepare for the hearing.

3. The student appearing before the hearing committee should have the right to be assisted in his defense by an adviser of his choice.

4. The burden of proof should rest upon the officials bringing the charge.

5. The student should be given an opportunity to testify and to present evidence and witnesses. He should have an opportunity to hear and question adverse witnesses. In no case should the committee consider statements against him unless he has been advised of their content and of the names of those who made them, and unless he has been given an opportunity to rebut unfavorable inferences which might otherwise be drawn.

6. All matters upon which the decision may be based must be introduced into evidence at the proceeding before the Hearing Committee. The decision should be based solely upon such matter. Improperly acquired evidence should not be admitted.

7. In the absence of a transcript, there should be both a digest and a verbatim record, such as a tape recording, of the hearing.

8. The decision of the hearing committee should be final, subject only to the student's right of appeal to the President, or ultimately to the governing board of the institution.

The only question surrounding this section concerns the conditions for which a Hearing Committee will be deemed necessary. Expulsion and suspension clearly fall into this category. Cases involving disciplinary probation may be deemed less critical, and cases involving less serious penalties fall under due process provisions earlier in the document.

The author believes that all cases should involve as extensive a hearing procedure as possible in all cases, but the standards embodied in earlier sections, and the procedures embodied in this section concerning serious violations should provide adequate protection. More protection, for example, than is provided by many institutions.

ENFORCEMENT

Statements have a way of becoming "model documents" with little force behind them. To guard against this, a resolution was passed during the final drafting session, embodying the following points:

> It was agreed that, before becoming party to any joint statement on student rights and responsibilities, the Association should insist that all the parties to such an agreement should undertake:
>
> 1) To set up machinery for continuing joint interpretation of the policies and procedures recommended in the agreement.
>
> 2) To consult with each other before setting up any machinery for investigating complaints of alleged violation of the agreement.
>
> 3) To request the regional accrediting associations to embody the rpinciples of the agreement in their standards for accreditation.

The last item, that of approaching accrediting agencies, could have the most immediate effect, if successful. The accrediting agencies are widely varied in their insistence on academic freedom for faculty, let alone students. The Southern Board, for example, has prevented the enactment of speaker bans in North Carolina and Alabama through threatening loss of accreditation on those schools which maintain such bans. Such power has not been employed elsewhere--the Middle States Board did not revoke accreditation for so massive a violation of academic freedom as the St. John's firings, although it did, after a fashion, issue a stern "show-cause" warning to the institution. If the combined organizations can exert influence upon accrediting agencies to concern themselves with student rights, however, the students can count on major gains within the next

few years.

To assume that this process will be quick, however, is myopic. The drafting commission alone met for over a year. It will take another nine months from this writing before all the organizations meet to approve or reject the document. NSA's meeting is, in fact, the first. Once approval is secured--if it is--additional time must be spent in assembling the joint enforcement committee. Then a long process of interpretation and lobbying will ensue. We have a long way to go.

Nonetheless, even prior to the final approval, students can use the statement in certain ways:

1) Keeping in mind that this is a minimal document, student leaders should measure the policy of their institutions against its provisions. In cases in which the institution's policy does not measure up to the statement, students should encourage joint discussion between faculty and administration on methods to reconcile the differences. Students should keep in mind, however, that the statement has not yet been approved, and overuse of its sanction may jeopardize its passage by the AAC.

2) In cases where provisions of the statement are violated--or appear to have been violated--student leaders should contact the National Student Association at once. An NSA representative will be in continuous contact with representatives from other organizations. He can:

a. Urge that the other organizations investigate the dispute and that they apply the standards of the statement in influencing presidents, deans, and professors to change institutional policy or a particular decision. Until the statement is approved, this may be difficult.

b. Use the interpretation of the statement applied to a specific case as a precedent for application to similar cases elsewhere.

Until the statement is ratified formally, the commission members from the other organizations will have to lobby for organizational support on a case-by-case basis. Yet if the statement is ratified, and a formal interpretive commission is established, the commission will be able to handle several cases per

year. Students will have another tactical weapon to add to their growing arsenal; student leaders might start now to familiarize themselves with the process. It might work--assuming, of course, that NSA as a whol endorses the document.

One point should be made absolutely clear--the statement is not intended as a substitute for advocacy of stronger student guarantees, or for greater student influence, or for massive reformations of the educational system. The author believes that all are necessary; that students should pursue these goals; that NSA should lead in bettles of this kind. The statement is, as was stated, a minimal document--if your institution falls short, it is failing its students miserably.

Most important--make sure that you understand the statement, and the issues involved. As important--try to disseminate as many copies of the statement to the student body as you can obtain. They need to know about it as well. The college gives the students copies of its rules; the student government should distribute minimal standards of student rights to be applied to those rules. The students themselves can judge whether their institutions live up to those standards.

CONCLUSION

There is a peculiar notion among a segment of the liberal community that a simple statement of a problem resolves the problem. I do not share this presumption. The statement which the drafting commission proposes--even if ideal, which it is not--will take considerable energy, persuasion, and work to find acceptance

throughout the academic community. Even in 1967, 27 years after its drafting, the 1940 AAUP-AAC statement on Academic Freedom of Professors is violated on several campuses.

The encouraging sign, however, is that the standards coded in the 1940 statement are violated on many fewer campuses today than earlier. If the Joint Statement on Student Rights meets with similar success over the years, a number of the most atrocious institutional policies affecting students will vanish.

The force which will effect these changes, moreover, is little more than the intangible force of persuasion and the development of a tradition. Unless the accrediting agencies adopt these provisions, and enforce them, the weight of the document will reside in the accumulated prestige of five organizations, with different constituencies, with different interests, who managed to agree that there were a few things a university or college should provide its students if it is to be called a university or a college.

Ironically, however, the impact of the convergence of traditions is exactly that of a student demonstration--it embarrasses those who pretend to educate. The demonstrator says, "You're killing me in the name of education," and the institution is embarrassed; the commission will say, "The academic community views your policies as inimical to its standards," and the institution will be embarrassed. Whether the former involves "force;" the latter, "reason," is a dubious contention; however, often some will make this distinction. Both have a chance to work.

The real task for students, however, involves much more than implementation of this statement. In a sense, it is sad that a document so minimal has to be presented in 1967--after three hundred years of higher education in this country.

If the document is minimal, however, it means that the hardened moral arteries of educators are slow to soften in dealing with those who insist, quite legitimately, that learning involves the freedom to become human.

More softening is needed, and if students are to produce it, they must intrude at every level--local and national; campus by campus and through the various organizations; procedurally and politicially; extra-curricularly and curricularly. Students must say, "Look, it's me, and look what you're doing to me."

Ten, fifteen years ago, students said this about in loco parentis, about the student press, about the right to influence decisions, about racial discrimination, about speaker bans, about freedom of campus organizations, about the right to protest, about the need for due process, about searches on campus, about confidentiality of student records. It took several demonstrations, and a revolt or two, but the utterances of 1955 may become the sanctioned academic standard of 1970. The sanctions need to be expanded. We all know that.

It's a chance, but the statement indicates that there really is one.

APPENDICES

APPENDIX I. October Drafts of Joint Statement.

APPENDIX II. May Drafts, Joint Statement.

APPENDIX III. Statement on Confidentidentiality of Student Records American Council on Education.

JOINT STATEMENT

ON

RIGHTS AND FREEDOMS OF STUDENTS

National educational associations representing faculty members, administrators, and students have developed this statement on the Rights and Freedoms of Students and propose it for adoption as a joint statement of principle. Joint efforts to draft a statement began in the fall of 1966.

Under the auspices of the American Association of University Professors, thirty-three representatives from ten national educational organizations met in Washington, D.C. on November 13-14, 1966, to discuss the academic freedom of students and to explore the feasibility of reaching a consensus on standards in this area. Five organizations--The American Association of University Professors, the Association of American Colleges, the US National Student Association, the National Association of Student Personnel Administrators, and the National Association of Women Deans and Counselors--participated in the planning of the conference. Five additional organizations--the American Council on Education, Association of American Universities, Association for Higher Education, Association of State Colleges and Universities, and the American College Personnel Association--participated in the conference. Those who attended concluded the meeting by concurring in the establishment of an ad hoc committee to draft a statement for possible joint endorsement.

The drafting committee, comprised of one representative each from AAUP, AAC, USNSA, NASPA, and NAWDC, with the staff assistance of Dr. Peter Armacost, AAC, and Mr. Robert Van Waes, AAUP, met in Washington on June 23, 1967. The joint statement which follows is a mutual effort in every respect. While it owes much to statements proposed by the AAUP, AAC, and USNSA, the suggestions and perspectives of other educational organizations have been taken into account. The result is a consensus that links good standards to viable practices.

The Joint Statement on Rights and Freedoms of Students as members of the academic community will now be submitted to each of the ten national educational organizations that contributed to its formulation for such action as their committees, commissions, and governing bodies consider appropriate. It is hoped that a number of these organizations will endorse the Joint Statement at an early date. The statement should not be considered the official policy of any organization until there has been formal action by that association.

The Joint Drafting Committee

Dr. Phillip Monypenny, Political Science, University of Illinois, AAUP, Chairman.

Dr. Harry D. Gideons, Chancellor
New School for Social Research, AAC

Mr. Edward Schwartz, National Affairs
Vice-President, USNSA

Dr. Peter Armacost, President, Ottawa
University, former Program Director, AAC.

Mr. Earle Clifford, University Dean
of Student Affairs, Rutgers, NASPA.

Dr. Ann Bromley, Associate Dean of
Students, Santa Fe Junior College,
NAWDC.

Mr. Robert Van Waes, Associate Secretary, AAUP.

PREAMBLE

Academic institutions exist for the transmission of knowledge, the pursuit of truth, the development of students, and the general well-being of society. Free inquiry and free expression are indispensable to the attainment of these goals. As members of the academic community, students should be encouraged to develop the capacity for critical judgment and to engage in a sustained and independent search for truth. Institutional procedures for achieving these purposes may vary from campus to campus, but the minimal standards of academic freedom of students outlined below are essential to any community of scholars.

Freedom to teach and freedom to learn are inseparable facets of academic freedom. The freedom to learn depends upon appropriate opportunities and conditions in the classroom, on the campus, and in the larger community. Students should exercise their freedom with responsibility.

The responsibility to secure and to respect general conditions conducive to the freedom to learn is shared by all members of the academic community. Each college and university has a duty to develop policies and procedures which provide and safeguard this freedom. Such policies and procedures should be developed at each institution within the framework of general standards and with the broadest possible participation of the members of the academic community. The purpose of this statement is to enumerate the essential provisions for student freedom to learn.

I. FREEDOM OF ACCESS TO HIGHER EDUCATION

The admissions policies of each college and university are a matter of institutional choice provided that each college and university makes clear the characteristics and expectations of students which it considers relevant to success in the institution's program. While church-related institutions may give admission preference to students of their own persuasion, such a preference should be clearly and publicly stated. Under no circumstances should a student be barred from admission to a particular institution on the basis of race. Thus, within the limits of its facilities, each college and university should be open to all students who are qualified according to its admission standards. The facilities and services of a college should be open to all of its enrolled students, and institutions should use their influence to secure equal access for all students to public facilities in the local community.

II. IN THE CLASSROOM

The professor in the classroom and in conference should encourage free discussion, inquiry, and expression. Student performance should be evaluated solely on an academic basis, not on opinions or conduct in matters unrelated to academic standards.

A. Protection of Freedom of Expression. Students should be free to take reasoned exception to the data or views offered in any course of study and to reserve judgment about matters of opinion, but they are responsible for learning the content of any course of study for which they are enrolled.

B. . Protection Against Improper Academic Evaluation. Students should have protection through orderly procedures against prejudices or capricious academic evaluation. At the same time, they are responsible for maintaining standards of academic performance established for each course in which they are enrolled.

C. Protection Against Improper Disclosure. Information about student views, beliefs, and political associations which professors acquire in the course of their work as instructors, advisers, and counselors should be considered confidential. Protection against improper disclosure is a serious professional obligation. Judgments of ability and character may be provided under appropriate circumstances, normally with the knowledge or consent of the student.

III. STUDENT RECORDS.

Institutions should have a carefully considered policy as to the information which should be part of a student's permanent educational record and as to the conditions of its disclosure. To minimize the risk of improper disclosure, academic and disciplinary records should be separate, and the conditions of access to each should be set forth in an explicit policy statement. Transcripts of academic records should contain only information about academic status. Information from disciplinary or counseling files should not be available to unauthorized persons on campus, or to any person off campus without the express consent of the student involved except under legal compulsion or in cases where the safety of persons or property is involved. No records should be kept which reflect the political activities or beliefs of students. Provision should also be made for periodic routine destruction of noncurrent disciplinary records. Administrative staff and faculty members should respect confidential information about students which they acquire in the course of their work.

IV. STUDENT AFFAIRS.

In student affairs, certain standards must be maintained if the freedom of students is to be preserved.

A. Freedom of Association. Students bring to the campus a variety of interests previously acquired and develop many new interests as members of the academic community. They should be free to organize and join associations to promote their common interests.

1. The membership, policies, and actions of a student organization usually will be determined by vote of only those persons who hold bona fide membership in the college or university community.

2. Affiliation with an extramural organization should not of itself disqualify a student organization from institutional recognition.

3. If campus advisers are required, each organization should be free to choose its own adviser, and institutional recognition should not be withheld or withdrawn solely because of the inability of a student organization to secure an adviser. Campus advisers may advise organizations in the exercise of responsibility, but they should not have the authority to control the policy of such organizations.

4. Student organizations may be required to submit a statement of purpose, criteria for membership, rules of procedures, and a current list of officers. They should not be required to submit a membership list as a condition of institutional recognition.

5. Campus organizations, including those affiliated with an extramural organization, should be open to all students without respect to race, creed, or national origin, except for religious qualifications which may be required by organizations whose aims are primarily sectarian.

B. Freedom of Inquiry and Expression.

1. Students and student organizations should be free to examine and to discuss all questions of interest to them, and to express opinions publicly and privately. They should always be free to support causes by orderly means which do not disrupt the regular and essential operation of the institution. At the same time, it should be made clear to the academic and the larger community that in their publid expressions or demonstrations, students or student organizations speak only for themselves.

2. Students should be allowed to invite and to hear any person of their own choosing. Those routine procedures required by an institution before a guest speaker is invited to appear on campus should be designed only to insure that there is orderly scheduling of facilities and adequate preparation for the event, and that the occasion is conducted in a manner appropriate to an academic community. The institutional control of campus facilities should not be used as a device of censorship. It should be made clear to the academic and larger community that sponsorship of guest speakers does not necessarily imply approval or endorsement of the views expressed, either by the sponsoring group or the institution.

C. Student Participation in Institutional Government. As constituents of the academic community, students should be free, individually and collectively, to express their views on issues of institutional policy and on matters of general interest to the student body. The student body should have clearly defined means to participate in the formulation and application of institutional policy affecting academic and student affairs. The role of the student government and both its general and specific responsibilities should be made explicit, and the actions of the student government within the areas of its jurisdiction should be reviewed only through orderly and prescribed procedures.

D. Student Publications. Student publications and the student press are a valuable aid in establishing and maintaining an atmosphere of free and responsible discussion and of intellectual exploration on the campus. They are a means of bringing student concerns to the attention of the faculty and the institutional authorities and of formulating student opinion on various issues on the campus and in the world at large.

Whenever possible, student newspapers should be an independent corporation financially and legally separate from the university. Where financial and legal autonomy is not possible, the institution, as the publisher of the student publications, may have to bear the legal responsibility for the contents of the publications. In the delegation of editorial responsibility to students, the institution must provide sufficient editorial freedom and financial autonomy for the student publications to maintain their integrity of purpose as vehicles for free inquiry and free expression in an academic community.

Institutional authorities, in consultation with students and faculty, have a responsibility to provide written clarification of the role of the student publications, the standards to be used in their evaluation, and the limitations on external control of their operation. At the same time, the editorial freedom of student editors and managers entails corollary responsibilities to be governed by the canons of responsible journalism, such as the avoidance of libel, indecency, undocumented allegations, attacks on personal integrity, and the techniques of harassment and innuendo. As safeguards for the editorial freedom of student publications, the following provisions are necessary:

1. The student press should be free of censorship and advance approval of copy, and its editors and managers should be free to develop their own editorial policies and news coverage.

2. Editors and managers of student publications should be protected from arbitrary suspension and removal because of student, faculty, administrative, or public disapproval of editorial policy or content. Only for proper and stated causes should editors and managers be subject to removal and then by orderly and prescribed procedures. The agency responsible for the appointment of editors and managers should be the agency responsible for their removal.

3. All university published and financed student publications should explicitly state on the editorial page that the opinions there expressed are not necessarily those of the college, university, or student body.

V. OFF-CAMPUS FREEDOM OF STUDENTS.

A. Exercise of Rights of Citizenship. College and university students are both citizens and members of the academic community. As citizens, students should enjoy the same freedom of speech, peaceful assembly, and the right of petition that other citizens enjoy and, as members of the academic community, they are subject to the obligations which accrue to them by virtue of this membership. Faculty members and administrative officials should insure that institutional powers are not employed to inhibit such intellectual and personal development of students as is often promoted by their exercise of the rights of citizenship both on and off campus.

B. Institutional Authority and Civil Penalties. Activities of students may upon occasion result in violation of law. In such cases, institutional officials should be prepared to apprise students of sources of legal counsel and may offer other assistance. Students who violate the law may incur penalties prescribed by civil authorities, but institutional authority should never be used merely to duplicate the function of general laws. Only where the institution's interests as an academic community are distinct and clearly involved, should the special authority of the institution be asserted. The student who incidentally violates institutional regulations in the course of his off-campus activity, such as those relating to class attendance, should be subject to no greater penalty than would normally be imposed. Institutional action should be independent of community pressure.

VI. PROCEDURAL STANDARDS IN DISCIPLINARY PROCEEDINGS.

In developing responsible student conduct, disciplinary proceedings play a role substantially secondary to example, counseling, guidance, and admonition. At the same time, educational institutions have a duty and the corollary disciplinary powers to protect their educational purpose through the setting of standards of scholarship and conduct for the students who attend them and through the regulation of the use of institutional facilities. In the exceptional circumstances, when the preferred means fail to resolve problems of student conduct, proper procedural safeguards should be observed to protect the student from the unfair imposition of serious penalties.

The administration of discipline should guarantee procedural fairness to an accused student. Practices in disciplinary cases may vary in formality with the gravity of the offense and the sanctions which may be applied. They should also take into account the presence or absence of an Honor Code, and the degree to which the institutional officials have direct acquaintance with student life, in general, and with the involved student and the circumstances of the case in particular. The jurisdictions of faculty or student judicial bodies, the disciplinary responsibilities of institutional officials and the regular disciplinary procedures, including the student's right to appeal a decision, should be clearly formulated and communicated in advance. Minor penalties may be assessed informally under prescribed procedures.

In all situations, procedural fair play requires that a student be informed of the nature of the charges against him, that he be given a fair opportunity to refute them, that the institution not be arbitrary in its actions, and that there be provision for appeal of a decision. The following are recommended as proper safeguards in such proceedings when there are no Honor Codes offering comparable guarantees.

A. Standards of Conduct Expected of Students. The institution has an obligation to clarify those standards of behavior which it considers essential to its educational mission and its community life. These general behavioral expectations and the resultant specific regulations should represent a reasonable regulation of student conduct, but the student should be free as possible from imposed limitations that have no direct relevance to his education. Offenses should be as clearly defined as possible and interpreted in a manner consistent with the aforementioned principles of relevancy and reasonableness. Disciplinary proceedings should be instituted only for violations of standards of conduct formulated with significant student participation and published in advance through such means as a student handbook or a generally available body of institutional regulations.

B. Investigation of Student Conduct.

1. Except under extreme emergency circumstances, premises occupied by students and the personal possessions of students should not be searched unless appropriate authorization has been obtained. For premises such as residence halls controlled by the institution, an appropriate and responsible authority should be designated to whom application should be made before a search is conducted. The application should specify the reasons for the search and the objects or information sought. The student should be present, if possible, during the search. For premises not controlled by the institution, the ordinary requirements for lawful search should be followed.

2. Students detected or arrested in the course of serious violations of institutional regulations, or infractions of ordinary law, should be informed of their rights. No form of harassment should be used by institutional representatives to coerce admissions of guilt or information about conduct of other suspected persons.

C. Status of Student Pending Final Action. Pending action on the charges, the status of a student should not be altered, or his right to be present on the campus and to attend classes suspended, except for reasons relating to his physical or emotional safety and well-being, or for reasons relating to the safety and well-being of students, faculty, or university property.

D. Hearing Committee Procedures. When the misconduct may result in serious penalties, and if the student questions the fairness of disciplinary action taken against him, he should be granted, on request, the privilege of a hearing before a regularly constituted hearing committee. The following suggested hearing committee procedures satisfy the requirements of "procedural due process" in situations requiring a high degree of formality:

1. The hearing committee should include faculty members or students, or, if regularly included or requested by the accused, both faculty and student members. No member of the hearing committee who is otherwise interested in the particular case should sit in judgment during the proceeding.

2. The student should be informed, in writing, of the reasons for the proposed disciplinary action with sufficient particularity, and in sufficient time, to insure opportunity to prepare for the hearing.

3. The student appearing before the hearing committee should have the right to be assisted in his defense by an adviser of his choice.

4. The burden of proof should rest upon the officials bringing the charge.

5. The student should be given an opportunity to testify and to present evidence and witnesses. He should have an opportunity to hear and question adverse witnesses. In no case should the committee consider statements against him unless he has been advised of their content and of the names of those who made them, and unless he has been given an opportunity to rebut unfavorable inferences which might otherwise be drawn.

6. All matters upon which the decision may be based must be introduced into evidence at the proceeding before the Hearing Committee. The decision should be based solely upon such matter. Improperly acquired evidence should not be admitted.

7. In the absence of a transcript, there should be both a digest and a verbatim record, such as a tape recording of the hearing.

8. The decision of the Hearing Committee should be final, subject only to the student's right of appeal to the President or ultimately to the governing board of the institution.

COMPARATIVE AAUP-AAC DRAFTS

AMERICAN ASSOCIATION OF UNIVERSITY PROFESSORS

STATEMENT ON THE ACADEMIC FREEDOM OF STUDENTS

Preamble

Free inquiry and free expression are essential attributes of the community of scholars. As members of that community, students should be encouraged to develop the capacity for critical judgment and to engage in a sustained and independent search for truth. The freedom to learn depends upon appropriate opportunities and conditions in the classroom, on the campus, and in the larger community. The responsibility to secure and to respect general conditions conducive to the freedom to learn is shared by all members of the academic community. Students should endeavor to exercise their freedom with maturity and responsibility.

ASSOCIATION OF AMERICAN COLLEGES

STATEMENT OF DESIRABLE PROVISIONS FOR STUDENT FREEDOM TO LEARN

Preamble

Academic institutions exist for the pursuit of truth and for the development of students. As members of the academic community, students should be encouraged to develop the capacity for critical judgment and to engage in a sustained and independent search for truth. Institutional provisions for the attainment of these purposes may vary with the particular aims and educational philosophy of each college or university. But free inquiry, free expression, and the responsible use thereof are essential to any community of scholars.

Each member of the academic community has both rights and responsibilities deriving from the agreed standards of that community. By virtue of their basic purpose in joining the academic community, the primary right and responsibility of students is to cherish and to exercise the freedom to learn. The freedom to learn depends upon appropriate opportunities and conditions in the classroom, on the campus, and in the larger community. The purpose of this statement is to enumerate some of the desirable provisions for student freedom to learn. Since one of the conditions which threatens student freedom to learn is its abuse, however, students should exercise their freedom with maturity and responsibility.

The responsibility to secure and to respect general conditions conducive to the freedom to learn is shared by all members of the academic community. Each college and university has a duty to develop pplicies and procedures which provide and safeguard the freedom to learn. Such policies and procedures should be developed with the broadest possible participation of the members of the academic community on the basis of the aims and objectives of the institution and of the general standards herein defined.

I. IN THE CLASSROOM.

The professor in the classroom and in conference should encourage free discussion, inquiry, and expression. Students should be evaluated solely on the basis of their academic performance, not on their opinions or conduct in matters unrelated to academic standards.

A. Protection of Freedom of Expression.
Students are responsible for learning thoroughly the content of any course of study, but they should be free to take reasoned exception to the data or views offered, and to reserve judgment about matters of opinion.

B. Protection Against Improper Academic Evaluation.

Students are responsible for maintaining standards of academic performance established by their professors, but they should have protection through orderly procedures against prejudiced or capricious academic evaluation.

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B. Protection Against Improper Academic Evaluation.

Students are responsible for maintaining standards of academic performance established by their professors, but they should have protection through orderly procedures against prejudiced or capricious academic evaluation.

C. Protection Against Improper Disclosure.

Information about student views, beliefs, and political associations which professors acquire in the course of their work as instructors, advisors, and counselors should be considered confidential. Protection against improper disclosrue is a serious professional obligation. Judgments of ability and character may be provided under appropriate circumstances.

II. STUDENT RECORDS.

Institutions should have a carefully considered policy as to the information which should be part of a student's permanent educational record and as to the conditions of its disclosure. To minimize the risk of improper disclosure, academic and disciplinary records should be separate, and the conditions of access to each should be set forth in an explicit policy statement. Transcripts of academic records should contain only information about academic status. Data from disciplinary and counseling files should not be available to unauthorized persons on campus or to any person off-campus except for the most compelling reasons. No records should be kept which reflect the political activities or beliefs of

C. Protection Against Improper Disclosure.

Protection against improper disclosure of information is a serious obligation of faculty members and administrative staff which must be balanced with their other obligations to the individual student, the institution, and society. Faculty and staff members should be free to participate in such professional consultation with their colleagues as serves the welfare of the student. After inquiring as to the nature of the requesting agency and the intended use of the information, they may properly provide information concerning a student's competence and fitness for a given task, including relevant judgments of character to other persons whom they are satisfied have legitimate grounds for seeking such information. But free inquiry and free expression, which are vital to good education, may be jeopardized by indiscriminate disclosure of information about students' attitudes, beliefs, and political associations which may be acquired in the course of teaching, advising, and counseling students.

II. STUDENT RECORDS.

The policy of the institution should reflect a deliberate balance between its obligation for the growth and welfare of students and its other obligations to society. It should include a carefully considered policy as to the information which should be part of a student's permanent educational record and as to the conditions of its disclosure. To minimize the risk of improper disclosure, academic and disciplinary records should be separate and the conditions of access to each should be set forth in an explicit policy statement. Transcripts of academic records should contain only information about academic status, except that disciplinary action taken against a student which affects his eligibility

students. Provisions should also be made for periodic routine destruction of noncurrent disciplinary records. Administrative staff and student personnel officers should respect confidential information about students which they acquire in the course of their work.

III. STUDENT AFFAIRS.

In student affairs, certain standards must be maintained if the academic freedom of students is to be preserved.

A. Freedom from Arbitrary Discrimination.

Colleges and universities should be open to all students who are academically qualified. While sectarian institutions may give admission preference to students of their own persuasion, such a preference should be clearly and publicly stated. College facilities and services should be open to all students, and insitutions should use their influence to secure equal access for all students to public facilities in the local community.

to re-register with the institution may be recorded when authorized by special action of theperson or agency having authority for such decisions. Information from disciplinary or counseling files should not be available to unauthorized persons on campus except for the most compelling reasons. Any records which reflect the political activities of students should be considered confidential. They should be released only with the knowledge and consent of the students involved except under legal compulsion. Provision should also be made for periodic routine evaluation and destruction of noncurrent disciplinary records. Administrative staff and faculty members should respect confidential information about students which they acquire in the course of their work.

III. STUDENT AFFAIRS.

In student affairs, certain standards must be maintained if the intellectual freedom of students is to be preserved.

A. Freedom of Access to Higher Education.

The admissions policies of each college and university are a matter of institutional choice, provided that each college and university makes clear the characteristics and expectations of students which it considers relevant to success in the institution's program. Except in the case of church-related institutions which may give preference to students of their own religious persuasion as a matter of explicit institutional policy, the

race or religion of a student should not be considered relevant to admissions decisions. Thus, within the limits of its facilities, each college and university should be open to all students who are qualified according to its admission standards. College facilities and services should be open to all students, and institutions should use their influence to secure equal access for all students to public facilities in the local community.

B. Freedom of Association.

Students bring to the campus a wide variety of interests previously acquired and develop many new interests as members of the academic community. They should be free to organize and join associations to promote their common interests.

1. Affiliation with an extramural organization should not of itself affect recognition of a student organization.

2. Each organization should be free to choose its own campus adviser, and institutional recognition should not be withheld or withdrawn solely because of the inability of a student organization to secure an adviser. Members of the faculty serve the college community when they accept the responsibility to advise and consult with student organizations; they should not have the authority to control the policy of such organizations.

B. Freedom of Association.

Students bring to the campus a variety of interests previously acquired and develop many new interests as members of the academic community. They should be free to organize and join associations to promote their common interests consistent with the publicly stated policies of the college.

1. Affiliation with an extramural organization should not of itself disqualify a student organization from institutional recognition. At the same time, all actions of a student organization should be determined by vote of only those persons who hold bona fide membership in the college or university community.

2. Although the institution has a right to require student organizations to have a campus advisor and to counsel them in his selection, each organization should be free to choose its own campus adviser and institutional recognition should not be withheld or withdrawn solely because of the inability of a student organization, after conscientious effort, to secure an adviser. Members

	of the faculty perform an important educational role and serve the college community when they accept the responsibility to advise and consult with student organizations; they should guide organizations in the exercise of responsibility, but they should not have the authority to control the policy of such organizations.
3. Student organizations may be required to submit a current list of officers, but they should not be required to submit a membership list as a condition of institutional recognition.	3. Student organizations may be required to submit a statement of purpose, a list of responsible officers, a definition of membership, and rules of procedure. They should not be required to submit a membership list as a condition of institutional recognition.
4. Campus organizations should be open to all students without respect to race, religion, creed, or national origin, except for religious qualifications which may be required by sectarian organizations.	4. Campus organizations, including those affiliated with an extramural organization, should be open to all students without respect to race, creed, or national origin, except for religious qualifications which may be required by organizations whose aims are primarily sectarian.
5. Students and student organizations should be free to examine and to discuss all questions of interest to them and to express opinions publicly or privately. They should also be free to support causes by any orderly means which do not disrupt the regular and essential operation of the institution.	5. Students and student organizations should be free to examine and to discuss all questions of interest to them, and to express opinions publicly or privately. They should also be free to support causes by any orderly means which do not disrupt the regular and essential operation of the institution. At the same time, it should be made clear to the academic and the larger community that in their public expressions or demonstrations, students or student organizations speak only for themselves.

6. Students should be allowed to invite and to hear any person of their own choosing. While the orderly scheduling of facilities may require the observance of routine procedures before a guest speaker is invited to appear on campus, institutional control of campus facilities should never be used as a device of censorship. It should be made clear to the academic and larger community that sponsorship of guest speakers does not necessarily imply approval or endorsement of the views expressed, either by the sponsoring group, or the institution.

C. Student Participation in Institutional Government.

As constituents of the academic community, students should be free, individually and collectively to express their views on issues of institutional policy and on matters of general interest to the student body. The student body should have clearly defined means to participate in the formulation and application of rules affecting every area of campus life. Student governments should be protected from arbitrary intervention.

6. Students should be allowed to invite and to hear any person of their own choosing when the purpose of such an invitation is consistent with the aims of the college. Those routine procedures required by an institution before a guest speaker is invited to appear on campus should be designed only to insure the orderly scheduling of facilities, the responsible preparation for the event, and that the occasion is conducted in a manner appropriate in an academic community. The institutional control of campus facilities should not be used as a device of censorship. It should be made clear to the academic and larger community that sponsorship of guest speakers does not necessarily imply approval or endorsement of the views expressed, either by the sponsoring group or the institution.

C. Student Participation in Institutional Government.

As constituents of the academic community, students should be free, individually and collectively to express their views on issues of institutional policy and on matters of general interest to the student body. The student body should have clearly defined means to participate in the formulation and application of regulations affecting student affairs. The role of student government and both its general and specific responsibilities should be made explicit, and the actions of the student government within the areas of its jurisdiction should be reviewed only through orderly and prescribed procedures.

D. Student Publications.

Student publications and the student press are a valuable aid in establishing and maintaining an atmosphere of free and responsible discussion and of intellectual exploration on the campus. They are a means of bringing student concerns to the attention of the faculty and the institutional authorities and of formulating student opinion on various issues on the campus and in the world at large.

D. Student Publications.

Student publications and the student press are a valuable aid in establishing and maintaining an atmosphere of free and responsible discussion and of intellectual exploration on the campus. They are a means of bringing student concerns to the attention of the faculty and the institutional authorities and of formulating student opinion on various issues on the campus and in the world at large. They also represent the institution to the public.

Except where the student press has the legal and financial status of an independent corporation, the institution, as the publisher of the student publications, must bear the legal responsibility for the contents of the publications and for all editorial freedom exercised by these publications. In the delegation of editorial responsibility to students, the institution must provide sufficient editorial freedom and financial autonomy for the student publications to maintain their integrity of purpose in an academic community. Institutional authorities, in consultation with students and faculty, have a responsibility to clarify the role of the student newspaper and the standards to be used in its evaluation. At the same time, the editorial freedom of student editors and managers entails corollary responsibilities to be governed by the canons of responsible journalism suitable to the academic community, where libel, indecency, undocumented allegations, attacks on personal integrity, and the techniques of harassment and innuendo are especially inappropriate. Editorial freedom also involved the responsibility to recognize the nature of the relationship between the student publications and the

1. The student press should be free of censorship and advance approval of copy, and its editors and managers should be free to develop their own editorial policies and news coverage.

2. The integrity and responsibility of student publications should be encouraged by arrangements which permit financial autonomy, or, ideally, complete financial independence.

3. Editors and managers should subscribe to canons of responsible journalism. At the same time, they should be protected from arbitrary suspension and removal because of student, faculty, administrative, or public disapproval of editorial policy or content. Only for proper and stated causes should editors and managers be subject to removal, and then by orderly prescribed procedures.

IV. OFF-CAMPUS FREEDOM OF STUDENTS

A. Exercise of Rights of Citizenship.

As citizens, students should enjoy the same freedom of speech, peaceful assembly, and the right of petition that other citizens enjoy. Faculty members and administrative officials should

institution. As safeguards for the editorial freedom of student publications, the following provisions are necessary.

1. The student press should be free of censorship and advance approval of copy, and its editors and managers should be free to develop their own editorial policies and news coverage.

2. Editors and managers of student publications should be protected from arbitrary suspension and removal because of student, faculty, administrative, or public disapproval of editorial policy or content. Only for proper and stated causes should editors and managers be subject to removal, and then by orderly and prescribed procedures.

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insure that institutional powers are not employed to inhibit such intellectual and personal development of students as is often promoted by their off-campus activities and their exercise of the rights of citizenship.

citizens enjoy; as members of the academic community, however, they are subject to the obligations which accrue to them by virtue of this membership. Students should remember that in the academic community, integrity, open-mindedness, the exercise of appropriate restraint, and respect for the opinion of others are crucial. Behaviour at variance with these standards is incompatible with the aims of the academic community and may reflect negatively on all students and on the institution. Hence, students contemplating off-campus activities should be clear in their objectives, they should evaluate the appropriateness of their methods to these objectives, and they should be fully aware of the legal situation and of the possible consequences of their actions to themselves and to the college community. Institutional officials perform an important educational role in discussing these and other considerations with students prior to their participation in off-campus activities. At the same time, faculty members and administrative officials should insure that institutional powers are not employed to inhibit such intellectual and personal development of students as is often promoted by their exercise of the rights of citizenship both on and off campus.

B. Institutional Authority and Civil Penalties.

Activities of students may upon occasion result in violation of law. In such cases, institutional officials should apprise students of their legal rights and may offer other assistance. Students who violate the law may incur penalties prescribed by civil authorities, but institutional authority should never be used merely to duplicate the function of general

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V. PROCEDURAL STANDARDS IN DISCIPLINARY PROCEEDINGS.

The disciplinary powers of educational institutions are inherent in their responsibility to protect their educational purpose through the regulation of the use of the use of their facilities and through the setting of standards of conduct and scholarship for the students who attend them. In developing responsible student conduct, disciplinary proceedings play a role substantially secondary to counseling, guidance, admonition, and example. In the exceptional circumstances, when these preferred means fail to resolve problems of student conduct, proper procedural safeguards should be obsafeguards should be observed to protect the student from the unfair imposition of serious penalties. The following are recommended as proper safeguards in such proceedings.[1]

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V. PROCEDURAL STANDARDS IN DISCIPLINARY PROCEEDINGS.

In developing responsible student conduct, disciplinary proceedings play a role substantially secondary to example, counseling, guidance, and admonition. At the same time, educational institutions have a duty and the corollary disciplinary powers to protect their educational purpose through the setting of standards of scholarship and conduct for the students who attend them and through the regulation of the use of institutional facilities. In the exceptional circumstances, when preferred means fail to resolve problems of student conduct, proper procedural safeguards should be observed to protect the student from the unfair imposition of serious penalties.

The disciplinary processes which guarantee fundamental procedural fairness to an accused student may vary in formality with the degree of personalization in the relationship between the student and the institutional officials, with the presence or absence of an Honor Code, with the gravity of the offense, and with the sanctions which may be applied. In all situations, procedural

"fair play" requires that the student be informed of the nature of the charges against him, that he be given a fair be informed of the nature of the charges against him, that he be given a fair opportunity to refute them, and that the institution not be arbitrary in its actions. The following are recommended as proper safeguards in such proceedings when there are no Honor Codes offering comparable guarantees.

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Disciplinary proceedings should be instituted only for violation of standards of conduct defined in advance and published through such means as a student handbook or a generally available body of university regulations. Offenses should be as clearly defined as possible, and such vague phrases as "undesirable conduct" or "conduct injurious to the best interests of the institution" should be avoided. Conceptions of misconduct particular to the institution need clear and explicit definition.

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C. Status of Student Pending Final Action.

Pending action on the charges, the status of a student should not be altered or his right to be present on the campus and to attend classes suspended, except for reasons relating to his physical or emotional safety and well-being, or for reasons relating to the safety of students faculty, or university property.

D. Hearing Committee Procedures.

The formality of the procedure to which the student is entitled in disciplinary cases should be proportionate to the gravity of the offense and the

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D. Hearing Committee Procedures.

The disciplinary processes should be such as to guarantee fundamental procedural fairness to the accused student. The jurisdiction of the

sanctions which may be imposed. Minor penalties may be assessed informally under prescribed procedures. When misconduct may result in serious penalties, the student should have the right to a hearing before a regularly constituted hearing committee.

1. The Hearing Committee should include faculty members, or, if regularly included or requested by the accused, both faculty and student members. No member of the Hearing Committee who is otherwise interested in the particular case should sit in judgment during the proceeding.

2. The student should be informed in writing of the reasons for the proposed disciplinary action with sufficient particularity, and in sufficient time, to ensure opportunity to prepare for the hearing.

3. The student appearing before the hearing committee should have the right to be assisted in his defense by an adviser of his choice.

faculty or student judicial bodies, the disciplinary responsibilities of institutional officials and the regular disciplinary procedures, including the student's right to appeal a decision, should be clearly formulated and communicated in advance. Minor penalties may be assessed informally under prescribed procedures. If a student questions the fairness of disciplinary action taken against him and the misconduct may result in serious penalties, he should be granted the privilege of a hearing before a regularly constituted Hearing Committee. The following suggested Hearing Committee procedures satisfy the requirements of "procedural due process" in situations requiring a high degree of formality:

1. The Hearing Committee should include faculty members, or if regularly included or requested by the accused, both faculty and student members. No member of the Hearing Committee who is otherwise interested in the particular case should sit in judgment during the proceeding.

2. The student should be informed, in writing, of the reasons for the proposed disciplinary action with sufficient particularity, and in sufficient time, to insure opportunity to prepare for the hearing.

3. The student appearing before the Hearing Committee should have the right to be assisted in his defense by an adviser of his choice.

4. The burden or proof should rest upon the officials bringing the charge.

5. The student should be given an opportunity to testify and to present evidence and witnesses. He should have an opportunity to hear and question adverse witnesses. In no case should the committee consider statements against him unless he has been advised of their content and of the name of those who made them, and unless he has been given an opportunity to rebut unfavorable inferences which might otherwise be drawn.

6. All matters upon which the decision may be based must be introduced into evidence at the proceeding before the hearing committee. The decision should be based solely upon such matter. Improperly acquired evidence should not be admitted.

7. In the absence of a transcript, there should be both a digest and a verbatim record, such as a tape recording of the hearing.

8. The decision of the hearing committee should be final, subject to the student's right of appeal to the governing board of the institution.

4. The burden of proof should rest upon the officials bringing the charge.

5. The student should be given an opportunity to testify and present evidence and witnesses. If the witnesses giving testimony against him do not testify in his presence, an adequate summary of the nature of the testimony and the other evidence against him should be furnished to him in advance of his testimony. If there is no opportunity to question adverse witnesses, the Hearing Committee has a special responsibility to establish the objectivity of the witnesses and the credibility of their testimony.

6. All matters upon which the decision may be based must be introduced into evidence at the proceeding before the Hearing Committee. The decision should be based solely upon such matter. Improperly acquired evidence should not be submitted.

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COMPARATIVE AAUP-AAC DRAFTS

May, 1967

AMERICAN ASSOCIATION OF UNIVERSITY PROFESSORS

Statement on the Academic Freedom of Students

Preamble

Free inquiry and free expression are essential attributes of the community of scholars. As members of that community, students should be encouraged to develop the capacity for critical judgment and to engage in a sustained and independent search for truth. The freedom to learn depends upon appropriate opportunities and conditions in the classroom, on the campus, and in the larger community. The responsibility to secure and to respect general conditions conducive to the freedom to learn is shared by all members of the academic community. Students should endeavor to exercise their freedom with maturity and responsibility.

ASSOCIATION OF AMERICAN COLLEGES

Statement of Desirable Provisions For Student Freedom to Learn

Preamble

Academic institutions exist for the pursuit of truth and for the development of students. As members of the academic community, students should be encouraged to develop the capacity for critical judgment and to engage in a sustained and independent search for truth. Institutional procedures for the attainment of these purposes may vary with the particular aims and educational philosophy of each college or university. But free inquiry, free expression, and the responsible use thereof are essential to any community of scholars.

Each member of the academic community has both rights and responsibilities deriving from the agreed standards of that community. By virtue of their basic purpose in joining the academic community, the primary right and responsibility of students is to cherish and to exercise the freedom to learn. The freedom to learn depends upon appropriate opportunities and conditions in the classroom, on the campus, and in the larger community. The purpose of this statement is to enumerate some of the desirable provisions for student freedom to learn. Since one of the conditions which threatens student freedom to learn is its abuse, however, students should exercise their freedom with maturity and responsibility.

The responsibility to secure and to respect general conditions conducive to the freedom to learn is shared by all members of the academic community. Each college and university has a duty to develop policies and procedures which provide and safeguard the freedom to learn. Such policies and procedures should be developed with the broadest possible participation of the members of the academic community on the basis of the aims and objectives of the institution and of the general standards herein defined.

I. IN THE CLASSROOM.

The professor in the classroom and in conference should encourage free discussion, inquiry, and expression. Students should be evaluated solely on the basis of their academic performance, not on their opinions or conduct in matters unrelated to academic standards.

A. Protection of Freedom of Expression.

Students are responsible for learning thoroughly the content of any course of study, but they should be free to take reasoned exception to the data or views offered, and to reserve judgment about matters of opinion.

B. Protection Against Improper Academic Evaluation.

Students are responsible for maintaining standards of academic performance established by their professors, but they should have protection through orderly procedures against prejudiced or capricious academic evaluation.

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Students are responsible for maintaining standards of academic performance established by their professors, but they should have protection through orderly procedures against prejudiced or capricious academic evaluation.

C. Protection Against Improper Disclosure.

Information about student views, beliefs, and political associations which professors acquire in the course of their work as instructors, advisers, and counselors should be considered confidential. Protection against improper disclosure is a serious professional obligation. Judgments of ability and character may be provided under appropriate circumstances.

II. STUDENT RECORDS.

Institutions should have a carefully considered policy as to the information which should be part of a student's permanent educational record and as to the conditions of its disclosure. To minimize the risk of improper disclosure, academic and disciplinary records should be separate, and the conditions of access to each should be set forth in an explicit policy statement. Transcripts of academic records should contain only information about academic status. Data from disciplinary and counseling files should not be available to unauthorized persons on campus or to

C. Protection Against Improper Disclosure.

Protection against improper disclosure of information is a serious professional obligation of faculty members and administrative staff which must be balanced with their other obligations to the individual student, the institution, and society. Faculty and staff members should be free to participate in such professional consultation with their colleagues as serves the welfare of the student. After inquiring as to the nature of the requesting agency and the intended use of the information, they may properly provide information concerning a student's competence and fitness for a given task, including relevant judgments of character to to other persons whom they are satisfied have legitimate grounds for seeking such information. But free inquiry and free expression, which are vital to good education, may be jeopardized by indiscriminate disclosure of information about student's attitudes, beliefs, and political associations which may be acquired in the course of teaching, advising, and counseling students.

II. STUDENT RECORDS.

The policy of the institution should reflect a deliberate balance between its obligation for the growth and welfare of students and its other obligations to society. It should include a carefully considered policy as to the information which should be part of a student's permanent educational record and as to the conditions of its disclosure. To minimize the risk of improper disclosure, academic and disciplinary records should be separate and the conditions of access to each should be set forth in an explicit policy statement. Transcripts of academic records should contain only information about academic status, except

any person off campus except for the most compelling reasons. No records should be kept which reflect the political activities or beliefs of students. Provision should also be made for periodic routine destruction of noncurrent disciplinary records. Administrative staff and student personnel officers should respect confidential information about students which they acquire in the course of their work.

that disciplinary action taken against a student which affects his eligibility to re-register with the institution may be recorded when authorized by special action of the person or agency having authority for such a decision. Information from disciplinary or counseling files should not be available to unauthorized persons on campus or to any persons off-campus except for the most compelling reasons. Any records which reflect the political activities of students should be considered confidential. They should be released only with the knowledge and consent of the students involved except under legal compulsion. Provision should also be made for periodic routine evaluation and destruction of noncurrent disciplinary records. Administrative staff and faculty members should respect confidential information about students which they acquire in the course of their work.

III. STUDENT AFFAIRS.

In student affairs, certain standards must be maintained if the academic freedom of students is to be preserved.

A. Freedom from Arbitrary Discrimination.

Colleges and universities should be open to all students who are academically qualified. While sectarian institutions may give admission preference to students of their own persuasion, such a preference should be clearly and publicly stated. College faci;ities and services should be open to all students, and institutions should use their influence to secure equal access for all students to public facilities in the local community.

III. STUDENT AFFAIRS.

In student affairs, certain standards must be maintained if the freedom of students is to be preserved.

(This appears as Section IV. Freedom of Access to Higher Education in the Association of American Colleges document.)

B. Freedom of Association.

Students bring to the campus a variety of interests previously acquired and develop many new interests as members of the academic community. They should be free to organize and join associations to promote their common interests.

1. Affiliation with an extramural organization should not of itself affect recognition of a student organization.

2. Each organization should be free to choose its own campus adviser, and institutional recognition should not be withdrawn or withheld solely because of the inability of a student organization to secure an adviser. Members of the faculty serve the college community when they accept the responsibility to advise and consult with student organizations; they should not have the authority to control the policy of such organizations.

3. Student organizations may be required to submit a current list of officers, but they should not be required to submit a membership list as a condition of institutional recognition.

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Students bring to the campus a variety of interests previously acquired, and develop many new interests as members of the academic community. They should be free to organize and join associations to promote their common interests.

1. Affiliation with an extra-mural organization should not of itself disqualify a student organiza- from institutional recognition. At the same time, all actions of a student organization should be determined by vote of only those persons who hold bona fide membership in the college or university community.

2. If campus advisers are required, each organization should be free to choose its own adviser and institutional recognition should not be withheld or withdrawn solely because of the inability of a student organization, after conscientious effort, to secure an adviser. Campus advisers may advise campus organizations in the exercise of responsibility, but they should not have the authority to control the policy of such organizations.

3. Student organizations may be required to submit a statement of purpose, a list of responsible officers, a definition of membership and rules of procedure. They should not be required to submit a membership list as a condition of institutional recognition.

4. Campus organizations should be open to all students without respect to race, religion, creed, or national origin, except for religious qualifications which may be required by sectarian organizations.

4. Campus organizations, including those affiliated with an extramural organization, should be open to all students without respect to race, creed, or national origin, except for religious qualifications which may be required by organizations whose aims are primarily sectarian.

5. Students and student organizations should be free to examine and to discuss all questions of interest to them, and to express opinions publicly or privately. They should also be free to support causes by any orderly means which do not disrupt the regular and essential operations of the institution.

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6. Students should be allowed to invite and to hear any person of their own choosing. While the orderly scheduling of facilities may require the observance of routine procedures before a guest speaker is invited to appear on campus, institutional control of campus facilities should never be used as a device of censorship. It should be made clear, however, to the academic and larger community that sponsorship of guest speakers does not necessarily imply approval or endorsement of the views expressed either by the sponsoring group or the institution.

6. Students should be allowed to invite and to hear any person of their own choosing. Those routine procedures required by an institution before a guest speaker is invited to appear on campus should be designed only to insure the orderly scheduling of facilities, the responsible preparation for the event, and that the occasion is conducted in a manner appropriate to an academic community. The institutional control of campus facilities should not be used as a device of censorship. It should be made clear to the academic and larger community that sponsorship of guest speakers does not necessarily imply approval or endorsement of the views expressed, either by the sponsoring group or the institution.

C. Student Participation in Institutional Government.

As constituents of the academic community, students should be free, individually and collectively, to express their views on issues of institutional policy and on matters of general interest to the student body. The student body should have clearly defined means to participate in the formulation and application of regulations affecting student affairs. Student governments should be protected from arbitrary intervention.

D. Student Publications.

Student publications and the student press are a valuable aid in establishing and maintaining an atmosphere of free and responsible discussion and of intellectual exploration on the campus. They are a means of bringing student concerns to the attention of the faculty and the institutional authorities and of formulating student opinion on various issues on the campus and in the world at large.

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Except where the student press has the legal and financial status of an independent corporation, the institution, as the publisher of the student publications, must bear the legal responsibility for the contents of the publications and for all editorial freedom exercised by these publications. In the delegation of editorial responsibility to students, the institution must provide sufficient editorial freedom and financial autonomy for the student publications to maintain their integrity

1. The student press should be free of censorship and advance approval of copy, and its editors and managers should be free to develop their own editorial policies and news coverage.

2. The integrity and responsibility of student publications should be encouraged by arrangements which permit financial autonomy or, ideally, complete financial independence.

3. Editors and managers should subscribe to canons of responsible journalism. At the same time, they should be protected from arbitrary suspension and removal because of student, faculty, administrative, or public disapproval of editorial policy or content. Only for proper and stated causes should editors and managers be subject to removal and then by orderly and prescribed procedures.

of purpose in an academic community. Institutional authorities, in consultation with students and faculty, have a responsibility to clarify the role of the student newspaper and the standards to be used in its evaluation. At the same time, the editorial freedom of student editors and managers entails corollary responsibilities to be governed by the canons of responsible journalism, such as the avoidance of libel, indecency, undocumented allegations, attacks on personal integrity, and the techniques of harassment and innuendo. Editorial freedom also involves the responsibility to recognize that the public sometimes erroneously assumes that the student publication represents the institution. As safeguards for the editorial freedom of student publications, the following provisions are necessary:

1. The student press should be free of censorship and advance approval of copy, and its editors and managers should be free to develop their own editorial policies and news coverage.

2. Editors and managers of student publications should be protected from arbitrary suspension and removal because of student, faculty, administrative, or public disapproval of editorial policy or content. Only for proper and stated causes should editors and managers be subject to removal, and then by orderly and prescribed procedures.

This section appears as III. A.: Freedom from Arbitrary Discrimination in the AAUP document.

IV. FREEDOM OF ACCESS TO HIGHER EDUCATION.

The admissions policies of each college and university are a matter of institutional choice, provided that each college and university makes clear the characteristics and expectations of students which it considers relevant to success in the institution's program. Except in the case of church-related institutions which may give preference to students of their own persuasion as a matter of explicit and publicly stated institutional policy, the race or religion of a student should not be considered relevant to admissions decisions. Thus, within the limits of its facilities, each college and university should be open to all students who are qualified according to its admission standards. College facilities and services should be open to all students, and institutions should use their influence to secure equal access for all students to public facilities in the local community.

IV. OFF-CAMPUS FREEDOM OF STUDENTS

A. Exercise of Rights of Citizenship.

As citizens, students should enjoy the same freedom of speech, peaceful assembly, and the right of petition that other citizens enjoy. Faculty members and administrative officials should insure that institutional powers are not employed to inhibit such intellectual and personal development of students as is often promoted by their off-campus activities and their exercise of the rights of citizenship.

V. OFF-CAMPUS FREEDOM OF STUDENTS.

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Hence, students contemplating off-campus activities should be clear in their objectives, evaluate the appropriateness of their methods to these objectives, and be fully aware of the legal situation and of the possible consequences of their actions to themselves and the college community. Institutional officeals perform an important educational role in discussing these and other considerations with students prior to their participation in off-campus activities. At the same time, faculty members and administrative officials should insure that institutional powers are not employed to inhibit such intellectual and personal development of students as often promoted by thier exercise of the rights of citizenship both on and off campus.

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The disciplinary powers of educational institutions are inherent in their responsibility to protect their educational purpose through the regulation of the use of their facilities and through the setting of standards of conduct and scholarship for the students who attend them. In developing responsible student conduct, disciplinary proceedings play a role substantially secondary to counseling, guidance, admonition, and example. In the exceptional circumstances, when these preferred means fail to resolve problems of student conduct, proper procedural safeguards should be observed to protect the student from the unfair imposition of serious penalties. The following are recommended as proper safeguards in such proceedings.[1]

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The disciplinary processes which guarantee fundamental procedural fairness to an accused student may vary in formality with the degree to which the institutional officials have prior direct acquaintance with student life in general, and with the involved students and the circumstances of the case in particular, with the presence or absence of an Honor Code, with the gravity of the offense and with the sanctions which may be applied. In all situations, procedural fair play requires that the student be infomed of the nature of the charges against him, that he be given a fair opportunity to refute them, that the institution not be arbitrary in its actions and that there be provision for appeal of a decision. The following are recommended as proper safeguards in such proceedings when there are no Honor Codes offering comparable guarantees.

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1. Except under emergency circumstances, premises occupied by students and the personal possessions of students should not be searched unless appropriate authorization has been obtained. For premises such as dormitories controlled by the institution, an appropriate and responsible authority should be designated to whom application should be made before a search is conducted. The application should specify the reasons for the search and the objects or information sought. The student should be present

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2. Students detected or arrested in the course of serious violations of institutional regulations or infractions of ordinary law, should be informed of their rights. No form of harassment should be used by institutional representatives to coerce admissions of guilt or information about conduct of other suspected persons.

C. Status of Student Pending Final Action.

Pending act;on on the charges, the status of a student should not be altered, or his right to be present on the campus and to attend classes suspended. except for reasons relating to his physical or emotional safety and well-being or for reasons relating to the safety of students, faculty, or university property.

D. Hearing Committee Procedures.

The formality of the procedure to which a student is entitled in disciplinary cases should be proportionate to the gravity of the offense and the sanctions which may be imposed. Minor penalties may be assessed informally under prescribed procedures. When misconduct may result in serious penalties, the student should have the right to a hearing before a regularly constituted hearing committee.

if possible, during the search. For premises not controlled by the institution, the ordinary requirements for lawful search should be followed.

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D. Hearing Committee Procedures.

The disciplinary processes should be such as to guarantee fundamental procedural fairness to the accused student. The jurisdictions of faculty or student judicial bodies, the disciplinary responsibilities of institutional officials and the regular disciplinary procedures, including the student's right to appeal a decision should be clearly formulated and communicated in advance.

Minor penalties may be assessed informally under prescribed procedures.

If a student questions the fairness of disciplinary action taken against him and the misconduct may result in serious penalties (e.g. suspension or expulsion) he should be granted the privilege of a hearing before a regularly constituted hearing committee. The following suggested hearing committee procedures satisfy the requirements of "procedural due process" in situations requiring a high degree of formality.

1. The hearing committee should include faculty members, or, if regularly included or requested by the accused, both faculty and student members. No member of the hearing committee who is otherwise interested inthe particular case should sit in judgment during the proceeding.

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2. The student should be informed in writing of the reasons for the proposed disciplinary action with sufficient particularity and in sufficient time to ensure opportunity to prepare for the hearing.

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3. The student appearing before the hearing committee should have the right to be assisted in his defense by an adviser of his choice.

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4. The burden of proof should rest upon the officials bringing the charge.

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5. The student should be given an opportunity to testify and to present evidence and witnesses. He should have an opportunity to hear and question adverse witnesses. In no case should the committee consider statements against him unless he has been advised of their content and of the name of those who made them, and unless he has been given an opportunity to rebut unfavorable inferences which might otherwise be drawn.

5. The student should be given an opportunity to testify and to present evidence and witnesses. If the witnesses giving testimony against him do not testify in hispresence,an adequate summary of the nature of the testimony and the other evidence against him should be furnished to him in advance of his testimony. If there is no opportunity to question adverse witnesses,the hearing committee has a special responsibility to establish the objectivity of the witnesses and the credibility of their testimony.

6. All matters upon which the decision may be based must be introduced into evidence at the proceeding before the hearing committee. The decision should be based solely upon such matter. Improperly acquired evidence should not be admitted.

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7. In the absence of a transcript, there should be both a digest and a verbatim record,such as a tape recording of the hearing.

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8. The decision of the hearing committee should be final, subject to the student's right of appeal, to the governing board of the institution.

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STATEMENT ON CONFIDENTIALITY

OF STUDENT RECORDS

American Council on Education
Washington, D.C.

In the summer of 1966, the House Un-American Activities Committee issues subpoenas to obtain from two leading universities the membership lists of campus organizations known to oppose the present policies of the United States in southeast Asia. The institutions in question complied. Thus far, the information obtained by the Committee has not been publicly released.

Although educational institutions, like others, have an obligation to cooperate with committees of the Congress, they also have an obligation to protect their students from unwarranted instrusion into their lives and from hurtful or threatening interference in the exploration of ideas and their consequences that education entails. The American Council on Education therefore urges that colleges and universities adopt clear policies on the confidentiality of students' records, giving due attention to the educational significance their decisions may have.

For educational reasons, our colleges typically favor the forming by students of organizations for political activity and the consideration of politically relevant ideas. For instance, space is regularly provided for such groups for offices and meetings. In such circumstances, it seems only appropriate for students to expect their institutions to resist intimidation and harassment. Where particular persons are suspected of violating the law or are thought to possess information of value to an investigatory body, they can be directly approached in properly authorized ways. There is no need to press the college or university into the doubtful role of informant.

The maintenance of student records of all kinds, but especially those bearing on matters of belief and affiliation, inevitably creates a highly personal and confidential relationship. The mutual trust that this relationship implies is deeply involved in the educational process. Colleges acquire from students and other sources a great deal of private information about their enrollees for the basic purpose of facilitating their development as educated persons. This purpose is contravened when the material is made available to investigatory bodies without the student's permission. Thus, although a student may not require that his record be withdrawn, improperly altered or destroyed, he may appropriately expect his institution to release information about him only with his knowledge and consent. Without that consent, only irrestible legal compulsion justifies a college's indicating anything more about a student than his name, dates of registered attendance, the nature of any degrees granted, and the dates on which degrees were conferred.

The educational concept of a confidential relationship between the student and his college or university is supported here by the legal principles of freedom of association and the right of privacy. Like other citizens, students are entitled to engage in lawful assembly; if they are to learn true respect for the Constitution,

they must learn from their own experience that that entitlement is never abridged without serious reflection, due cause, and profound reluctance. Similarly, at a time when every individual's privacy is subject to serious erosion, each new invasion should be strongly resisted. Except in the most extreme instances, a student's college or university should never be a source of information about his beliefs or his associations unless he has given clear consent to its serving this function.

Finally, requests for information about a student's beliefs and associations inevitably imply the spectre of reprisals. To the extent that they do, they put at hazard the intellectual freedom of the college and the university. This dampening of free inquiry and expression may affect faculty members and administrative officers as well as students. It is therefore in the interests of the entire academic community to protect vigilantly its traditions of free debate and investigation by safeguarding students and their records from pressures that may curtail their liberties. America cannot afford a recurrence of the incursions made on intellectual freedom in the 1950's.

In the light of these considerations, the American Council on Education offers four recommendations to institutions of higher learning:

1. Mindful of the principle that student records should be held in a relationship of confidentiality between the student and the institution, each college and university should formulate and firmly implement clear policies to protect the confidential nature of student records. Such policies should reflect a full understanding of the intimate connections between this relationship and the historic traditions of freedom of association, of the right of privacy, and of intellectual liberty.

2. When demands which challenge the fundamental principle of confidentiality are made for information about students' beliefs or associations, no response, beyond the reaffirmation of the principle, should be made without consultation with attorneys. Counsel for the institution should be asked not merely to advise a prudent course, but to prepare every legal basis for resistance.

3. Institutional policy should pay proper respect to the interests of research and scholarship to insure that the freedom of inquiry is not abridged. Neither investigators seeking generalizable knowledge about the educational enterprise, historians examining the background of a deceased alumnus who became a publicly significant figure, nor other legitimate scholars should be unduly restricted in their pursuits. The confidentiality of the individual student's record is paramount, however. When there is any doubt about its being safeguarded, the person's consent to its use should be formally obtained, and the same general principles should be applied to the preservation of records as are recommenced here with respect to the maintenance of records.

4. Colleges and universities should discontinue the maintenance of membership lists of student organizations, especially those related to matters of political belief or action. If rosters of this kind do not exist, they cannot be subpoenaed, and the institution is therefore freed of some major elements of conflict and from the risks of contempt proceedings or a suit. To communicate with a campus group, the institution needs only to know its officers, not its entire membership. Whatever may be the advantages of more comprehensive listings, they must be considered in the determination of policy, against the disadvantages and dangers outlined here. In addition, it must be remembered that the surrender of membership rosters to investigative bodies carries no guarantee that they will not be reproduced and fall eventually into unfortunate hands. The use of blacklists, limited neither in time nor by honor, is a practice to which no college or university wishes to be, even inadvertently, an accessory.